

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID NESTE	:	CIVIL ACTION
	:	
v.	:	
	:	
GENERAL AMERICAN LIFE	:	
INSURANCE COMPANY, et al.	:	NO. 09-4581

ORDER

AND NOW, this 12<sup>th</sup> day of July, 2011, upon careful and independent consideration of the plaintiff's Motion to Enter Defaults and related exhibits (Docket Nos. 26, 28, 29, 30 and 31), the plaintiff's supplemental brief (Docket No. 36), the defendants' opposition and the plaintiff's reply thereto, the transcript of the hearing on May 12, 2011, before Magistrate Judge Elizabeth T. Hey, and after review of the Report and Recommendation, and the plaintiff's objection to the Report and Recommendation, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;

2. The motion for defaults is granted in part and denied in part. The request for entry of default on both General American's counterclaim and the plaintiff's cross-claim is DENIED. The request that the Court find that the Koresko parties have waived service is GRANTED.

3. The Koresko parties shall respond to the plaintiff's cross-claims within twenty-one days of the entry of this order.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.